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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 UNITED STATES OF AMERICA, )  
9 )  
Plaintiff, ) Case No. CR03-479-JCC  
10 v. ) **PROPOSED FINDINGS OF FACT**  
11 ) **AND DETERMINATION AS TO**  
CATHIE L. MCPHERRIN, ) **ALLEGED VIOLATIONS OF**  
12 Defendant. ) **SUPERVISED RELEASE**

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13 INTRODUCTION

14 I conducted a hearing on alleged violations of supervised release in this case on January 28,  
15 2010. The defendant appeared pursuant to a warrant issued in this case. The United States was  
16 represented by James D. Oesterle, and defendant was represented by Michael Filipovic. Also  
17 present was U.S. Probation Officer Carol Chavez. The proceedings were digitally recorded.

18 SENTENCE AND PRIOR ACTION

19 Defendant was sentenced on May 23, 2008 by the Honorable John C. Coughenour for  
20 Making a False Statement to a Credit Union. She received one day of detention followed by five  
21 years of supervised release. This term of supervised release was revoked on May 23, 2008  
22 following the Court's finding that she committed seven violations of supervision. Defendant was  
23 sentenced to one day detention, followed by 24 months of supervised release.

1 PRESENTLY ALLEGED VIOLATIONS

2 In a petition dated December 14, 2009, Senior U.S. Probation Officer Mark Okano alleged  
3 that defendant violated the following conditions of supervised release:

- 4 1. Failure to follow the instructions of the probation officer, in violation of standard  
5 condition 3.
- 6 2. Failure to surrender any and all said records to the probation office upon request, in  
7 violation of special condition 7.
- 8 3. Defendant shall be restricted from employment in real estate, in violation of special  
9 condition 10.
- 10 4. Failure to keep the probation officer advised at all times of the nature and detail of her  
11 employment, in violation of special condition 13.
- 12 5. Failure to notify the probation officer at least ten days prior to any change in  
13 residence or employment, in violation of standard condition 6.
- 14 6. Failure to disclose all assets and liabilities, in violation of special condition 8.

15 FINDINGS FOLLOWING EVIDENTIARY HEARING

16 The government withdrew violations 1 through 5. Defendant admitted to violation 6 waived  
17 any hearing as to whether it occurred, and was informed the matter would be set for a disposition  
18 hearing on February 12, 2010 at 9:00 a.m. before District Judge John C. Coughenour.

19 The parties moved for defendant's release pending disposition. The Court granted the  
20 request and placed travel restrictions in her appearance bond.

21 RECOMMENDED FINDINGS AND CONCLUSIONS

22 Based upon the foregoing, I recommend the court find that defendant has violated the  
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1 conditions of her supervised release as alleged above, and conduct a disposition hearing.

2 DATED this 28<sup>th</sup> day of January, 2010.

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6 BRIAN A. TSUCHIDA  
7 United States Magistrate Judge  
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